

AMENDED IN SENATE APRIL 9, 2012

SENATE BILL

No. 1337

Introduced by Senator DeSaulnier and Hancock
(Coauthor: Senator Hancock)
(Coauthor: Assembly Member Buchanan)

February 24, 2012

An act relating to create the Zone 7 Water Agency, and prescribing its boundaries, organization, operation, management, financing, and other powers and duties, to amend Section 2 of, and to repeal Section 36 of, the Alameda County Flood Control and Water Conservation District Act (Chapter 1275 of the Statutes of 1949), relating to water districts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1337, as amended, DeSaulnier. *Zone 7 Water Agency Act*.

Existing law, the Alameda County Flood Control and Water Conservation District Act, establishes the Alameda County Flood Control and Water Conservation District and grants to the district authority relating to, among other things, flood control and stormwater. Under the district law, the Board of Supervisors of Alameda County serves as the Board of the Alameda County Flood Control and Water Conservation District.

The district law authorizes the board of the district to establish zones and provides for the formation of a zone lying, in whole or in part, in Pleasanton or Murray Townships. That zone is required to be governed by a board of 7 directors who are required to be elected by the voters residing within that zone.

~~This bill would state the intent of the Legislature to enact legislation that would create the Zone 7 Water Agency remove Zone 7 from the~~

Alameda County Flood Control and Water Conservation District and instead create the Zone 7 Water Agency, as prescribed, with specified authorizations, powers, and duties. This bill would authorize the agency to continue to impose any special taxes based upon assessed value or any other special taxes, assessments, or charges imposed by or on behalf of the former Zone 7, would authorize the agency to impose new special taxes or levy assessments, as prescribed, and would require any taxes or assessments to be levied and collected together with taxes for county purposes, as specified. This bill would also authorize the agency to designate the county treasury as its treasury, as prescribed.

By imposing new duties on a county, this bill would impose a state-mandated local program.

This bill would authorize the board of directors to adopt ordinances for the agency, and would make it an infraction to violate an agency ordinance. By creating a new infraction, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 *SECTION 1. This act shall be known as the Zone 7 Water*
2 *Agency Act, and reads as follow:*

3

4 *ZONE 7 WATER AGENCY ACT*

5

6 1. *This act shall be known and may be cited as the Zone 7 Water*
7 *Agency Act.*

8 2. (a) *A flood control and water district called the Zone 7*
9 *Water Agency is hereby created. This agency shall consist of all*
10 *the territory in the Counties of Alameda and Contra Costa*
11 *generally described as "Eastern Alameda County (the former Zone*
12 *7 of the Alameda County Flood Control and Water Conservation*
13 *District which includes the City of Pleasanton, the former Murray*

1 Township, and a portion of the former Washington Township) and
2 the Dougherty Valley in the southern part of the City of San
3 Ramon.”

4 (b) Authority for providing flood protection to the western
5 portion of Alameda County, including all other zones within the
6 Alameda County Flood Control and Water Conservation District
7 (Chapter 1275 of the Statutes of 1949) shall stay with the Alameda
8 County Flood Control and Water Conservation District and that
9 authority remains unchanged by this act.

10 (c) Pursuant to Section 56387 of the Government Code, the
11 County of Alameda is hereby designated to be the principal county
12 for the agency.

13 3. (a) The objects and purposes of this act are to provide
14 regional flood control, water supply reliability, and groundwater
15 management as follows:

16 (1) Provide for the control of the flood and stormwaters of the
17 territory of the agency, and the flood and stormwaters of streams
18 that have their source outside of the territory of the agency but
19 that flow into the territory of the agency.

20 (2) Conserve flood and stormwaters for beneficial and useful
21 purposes by spreading, storing, retaining, and causing to percolate
22 into the soil within or without of the territory of the agency.

23 (3) Save or conserve in any manner all or any of the waters.

24 (4) Protect from flood or stormwaters the watercourses,
25 watersheds, harbors, public highways, life, and property in the
26 territory of the agency.

27 (5) Prevent the waste of water or diminution of the water supply
28 in, or exportation of water from, the territory of the agency.

29 (6) Obtain, retain, and reclaim drainage, storm, flood, and other
30 waters for beneficial use in the territory of the agency.

31 (7) Engage in recreation activities incidental to and in
32 connection with the purposes of this act.

33 (b) It is the intent of the Legislature that the agency work
34 collaboratively with other appropriate entities in the Counties of
35 Alameda and Contra Costa in carrying out the purposes of this
36 act.

37 4. As used in this act:

38 (a) “Agency” means the Zone 7 Water Agency.

39 (b) “Water,” when not otherwise specified, shall include all
40 types of water, including, but not limited to, surface water,

1 groundwater, stormwater, floodwater, wastewater, recycled water,
2 and treated effluent or treated sewage. “Water” shall not include
3 treated wastewater, recycled water, and treated effluent or treated
4 sewage that another public agency is empowered to, and actually
5 does, produce, convey, treat, store, dispose of, or recycle, as of
6 December 31, 2012.

7 5. The agency is hereby declared to be a body corporate and
8 politic and, in addition to other powers granted by this act, may
9 take action to carry out all of the following purposes:

10 (a) To have perpetual succession.

11 (b) To sue and be sued in the name of the agency in all actions
12 and proceedings in all courts and tribunals of competent
13 jurisdiction.

14 (c) To adopt a seal and alter it at its pleasure.

15 (d) (1) To acquire by grant, purchase, lease, gift, devise,
16 contract, construction, or otherwise, and to hold, use, enjoy, sell,
17 let, and dispose of real and personal property of every kind,
18 including lands, structures, buildings, rights-of-way, easements,
19 and privileges, and to construct, maintain, alter, and operate any
20 and all works or improvements, within or outside the agency,
21 necessary or proper to carry out any of the objects or purposes of
22 this act and convenient to the full exercise of its powers, and to
23 complete, extend, add to, alter, remove, repair, or otherwise
24 improve any works, or improvements, or property acquired by it
25 as authorized by this act.

26 (2) All land and rights-of-way previously held by the Alameda
27 County Flood Control and Water Conservation District within the
28 territory of the agency shall be transferred to the agency on the
29 effective date of this act without any cost to the agency or district
30 other than administrative costs incurred to transfer titles, which
31 shall be borne by the agency.

32 (e) (1) To store water in surface or underground reservoirs
33 within or outside of the agency for the common benefit of the
34 agency to conserve, reclaim, recycle, treat, purify, distribute, store,
35 and manage water for present and future use within the territory
36 of the agency.

37 (2) To appropriate and acquire water and water rights, and
38 import water into the agency and to conserve within or outside
39 the agency, water for any purpose useful to the agency.

1 (3) *To do any and every lawful act necessary to be done that*
2 *sufficient water may be available for any present or future*
3 *beneficial use or uses of the lands or inhabitants within the agency,*
4 *including, but not limited to, the acquisition, storage, treatment,*
5 *and distribution of water for irrigation, domestic, fire protection,*
6 *municipal, commercial, industrial, environmental, institutional,*
7 *recreational, and all other beneficial uses.*

8 (4) *To distribute, sell, or otherwise dispose of, outside the*
9 *agency, any waters not needed for beneficial uses within the*
10 *agency.*

11 (5) *To commence, maintain, intervene in, defend, or*
12 *compromise, in the name of the agency on behalf of the landowners*
13 *within the territory of the agency, or otherwise, and to assume the*
14 *costs and expenses of any action or proceeding involving or*
15 *affecting the ownership or use of waters or water rights within or*
16 *outside the agency, used or useful for any purpose of the agency*
17 *or of common benefit to any land situated within the territory of*
18 *the agency, or involving the wasteful use of water within the*
19 *territory of the agency.*

20 (6) *To commence, maintain, intervene in, defend, and*
21 *compromise and to assume the cost and expenses of any and all*
22 *actions and proceedings.*

23 (7) *To prevent interference with or diminution of, or to declare*
24 *rights in the natural flow of any stream or surface or subterranean*
25 *supply of water used or useful for any purpose of the agency or of*
26 *common benefit to the lands within the agency or to its inhabitants.*

27 (8) *To prevent unlawful exportation of water from the agency.*

28 (9) *To prevent contamination, pollution, or otherwise rendering*
29 *unfit for beneficial use the surface or subsurface water used or*
30 *useful in the agency, and to commence, maintain, and defend*
31 *actions and proceedings to prevent any interference with the*
32 *described waters as may endanger or damage the inhabitants,*
33 *lands, or use of water in, or flowing into, the agency.*

34 (10) *Provided, however, that the agency shall not have power*
35 *to intervene or take part in, or to pay the costs or expenses of,*
36 *actions or controversies between the owners of lands or water*
37 *rights that do not affect the interests of the agency.*

38 (f) *To control the floodwaters and stormwaters of the territory*
39 *of the agency and the floodwaters and stormwaters of streams that*
40 *have their sources outside of the territory of the agency, but that*

1 *flow into the territory of the agency, and to conserve these waters*
2 *for beneficial and useful purposes of the agency by spreading,*
3 *storing, retaining, and causing to percolate into the soil within or*
4 *without the territory of the agency, or to save or conserve in any*
5 *manner all or any of those waters and protect from damage from*
6 *those floodwaters or stormwaters the watercourses, watersheds,*
7 *public highways, life, and property in the territory of the agency,*
8 *and the watercourses outside of the territory of the agency of*
9 *streams flowing into the territory of the agency.*

10 (g) (1) *To enter upon any land, to make surveys and locate the*
11 *necessary works of improvement and the lines for channels,*
12 *conduits, canals, pipelines, roadways, and other rights-of-way.*

13 (2) *To acquire by purchase, lease, contract, gift, devise, or other*
14 *legal means all lands and water and water rights and other*
15 *property necessary or convenient for the construction, use, supply,*
16 *maintenance, repair, and improvement of the works, including*
17 *works constructed and being constructed by private owners, lands*
18 *for reservoirs for storage of necessary water, and all necessary*
19 *appurtenances, and also where necessary or convenient to that*
20 *end, and for those purposes and uses, to acquire and to hold in*
21 *the name of the state, the capital stock of any mutual water*
22 *company or corporation, domestic or foreign, owning water or*
23 *water rights, canals, waterworks, franchises, concessions, or rights,*
24 *when the ownership of the stock is necessary to secure a water*
25 *supply required by the agency or any part of the agency, upon the*
26 *condition that when holding the stock, the agency shall be entitled*
27 *to all the rights, powers, and privileges, and shall be subject to*
28 *all the obligations and liabilities conferred or imposed by law*
29 *upon other holders of the stock in the same company.*

30 (3) *To cooperate with, act in conjunction with, enter into, and*
31 *to carry out any acts necessary for the proper performance of any*
32 *agreement with the State of California, or any of its engineers,*
33 *officers, boards, commissions, departments, or agencies, or with*
34 *the government of the United States, or any of its engineers,*
35 *officers, boards, commissions, departments, or agencies or with*
36 *any state, city and county, city, county, agency of any kind, public*
37 *or private corporation, association, firm, or individual, or any*
38 *number of them, for the ownership, joint acquisition, leasing,*
39 *disposition, use, management, construction, installation, extension,*
40 *maintenance, repair, or operation of any rights, works, or other*

1 *property of a kind which might lawfully be acquired or owned by*
2 *the agency or for the lawful performance of any power or purpose*
3 *of the agency provided for in this act, including, but not limited*
4 *to, the granting of the right to the use of any water or the right to*
5 *store that water in any reservoir of the agency or to carrying that*
6 *water through any tunnel, canal, ditch, or conduit of the agency*
7 *or for the delivery, sale, or exchange of any water right, water*
8 *supply, or water pumped, stored, appropriated, or otherwise*
9 *acquired or secured for the use of the agency, or for controlling*
10 *drainage waters, or floodwaters or stormwaters of streams in or*
11 *running into or out of the territory of the agency, or for the*
12 *protection of life or property in the territory of the agency, or for*
13 *the purpose of conserving any waters for the beneficial use within*
14 *the agency, or in any other works, uses, or purposes provided for*
15 *in this act.*

16 *(4) To adopt and carry out any definite plan or system for*
17 *accomplishing, facilitating, or financing all work that may lawfully*
18 *be accomplished by the agency and to enforce that plan or system*
19 *by resolution or ordinance.*

20 *(h) To carry on technical and other necessary investigations,*
21 *make measurements, collect data, and make analyses, studies, and*
22 *inspections pertaining to water supply, water rights, control of*
23 *floodwaters and stormwaters, water quality, groundwater*
24 *management, or use of water both within and outside the agency*
25 *relating to watercourses or streams flowing in or into the agency*
26 *or groundwater located within or outside the territory of the*
27 *agency. For these purposes, the agency shall have the right of*
28 *access through its authorized representatives to all properties*
29 *within the agency and elsewhere relating to watercourses and*
30 *streams flowing in or into the agency. The agency, through its*
31 *authorized representatives, may enter upon these lands and make*
32 *examinations, surveys, and maps of the land.*

33 *(i) To prescribe, revise, and collect fees and charges for facilities*
34 *furnished or to be furnished to any new building, improvement, or*
35 *structure by the use of any flood control or storm drainage system*
36 *constructed or to be constructed in an area of the agency, and*
37 *whenever a drainage or flood control problem is referred to the*
38 *agency by the County of Alameda or the County of Contra Costa,*
39 *or any incorporated city in the County of Alameda or the County*
40 *of Contra Costa, to require the installation of drainage or flood*

1 control improvements necessary or convenient, or both, for needs
2 of the area, including, but not limited to, residential, subdivision,
3 commercial, and industrial drainage and flood control needs, that
4 county and those cities being hereby authorized to refer all
5 drainage and flood control problems, arising under the Subdivision
6 Map Act (Division 2 (commencing with Section 66410) of Title 7
7 of the Government Code) or otherwise, to the agency for solution.
8 Revenues derived under this subdivision shall be used for the
9 acquisition, construction, reconstruction, maintenance, and
10 operation of the flood control or storm drainage facilities of the
11 area, to reduce the principal or interest of any bonded indebtedness
12 of the area, or to replace funds expended on behalf of that area.
13 Taxes and assessments imposed by or on behalf of the former Zone
14 7 of the Alameda County Flood Control and Water District may
15 continue to be levied by the agency upon any property in the agency
16 for the purpose of making payments to the state for the
17 construction, maintenance, repair, and operation and all other
18 costs of the agency's prorated share of state water facilities in
19 accordance with this act.

20 (j) To incur indebtedness, and to issue bonds in accordance
21 with this act.

22 (k) To cause taxes or assessments to be levied and collected for
23 the purpose of paying any obligation of the agency, and to carry
24 out any of the purposes of this act, in accordance with this act.

25 (l) To make contracts, and to employ labor, and to carry out all
26 acts necessary for the full exercise of all powers vested in the
27 agency or any of the officers of the agency, by this act.

28 (m) To pay to any city, public agency, district, or educational
29 institution recognized under Chapter 3 (commencing with Section
30 94301) of Part 59 of the Education Code, a portion of the cost of
31 water imported by that city, public agency, the Zone 7 Water
32 Agency, or educational institution into, for use within, and of
33 benefit to the Zone 7 Water Agency.

34 (n) To establish designated floodways in accordance with the
35 Cobey-Alquist Flood Plain Management Act (Chapter 4
36 (commencing with Section 8400) of Part 2 of Division 5 of the
37 Water Code).

38 (o) To acquire, construct, maintain, operate, and install
39 landscaping or recreational facilities in connection with any dam,

1 *reservoir, lake, flood control facility, or other works or property*
2 *owned or controlled by the agency.*

3 *(p) To acquire, construct, maintain, operate and install, lease,*
4 *and control facilities for the generation, transmission, distribution,*
5 *sale, exchange, and lease of electric power.*

6 *(q) To fully regulate wells and to require the sealing of*
7 *abandoned or unused wells according to standards adopted by*
8 *the board by ordinance and designed to protect the groundwater*
9 *resources of the agency from contamination. Upon and following*
10 *the effective date of the act, the County of Alameda or the County*
11 *of Contra Costa or any incorporated city in the County of Alameda*
12 *or the County of Contra Costa that is within the territory of the*
13 *agency shall require all persons applying for any land development*
14 *permit or approval to show the existence and location of any water*
15 *well upon a map of the property that is the subject of the*
16 *application. When a well is shown, the map shall be referred to*
17 *the agency immediately upon receipt for review and investigation.*
18 *If upon review and investigation the agency determines that the*
19 *well or wells are to be sealed by the applicant pursuant to the*
20 *ordinance, the determination shall be transmitted promptly to the*
21 *applicant by the agency as a requirement in writing.*

22 *(r) On land acquired or used for the flood control, drainage,*
23 *water supply, water conservation, and water resource purposes*
24 *of this act:*

25 *(1) To plan, improve, operate, maintain, and keep in a sanitary*
26 *condition, a system of public parks, playgrounds, beaches,*
27 *swimming areas, and other facilities for public recreation, for the*
28 *use and enjoyment of all inhabitants of the agency, as an incident*
29 *to the carrying out of the projects of the agency.*

30 *(2) To construct, maintain, and operate any other amusement*
31 *or recreational facilities, including picnic benches and tables,*
32 *bathhouses, golf courses, tennis courts, or other special*
33 *amusements and forms of recreation.*

34 *(3) To fix and collect reasonable fees for the use by the public*
35 *of any special facilities, services, or equipment pursuant to*
36 *paragraph (2).*

37 *(4) To adopt any rules and regulations as in the discretion of*
38 *the board are necessary to the orderly operation and control of*
39 *the use, by the public, of the lands and facilities for recreational*
40 *purposes, provided, however, that the board shall not, for the*

1 *purposes specified in this subdivision, interfere with control or*
2 *operation of any existing public park, playground, beach,*
3 *swimming area, parkway, recreational ground, or other public*
4 *property, owned or controlled by any county, other district, or*
5 *municipality, except with the consent of the governing body of that*
6 *county, district, or municipality, and upon terms as may be*
7 *mutually agreed upon between the board and that governing body.*

8 *(s) To design, construct, or maintain any levees, seawalls,*
9 *groins, breakwaters, jetties, outlets, channels, harbors, basins, or*
10 *other work pertaining thereto, in a manner as to render them*
11 *adaptable and useful to shoreline, beach, harbor, navigation, park,*
12 *or marina development or use, and to do this work in cooperation*
13 *with any other public or quasi-public agency or corporation*
14 *concerned with this development or use.*

15 *(t) To establish and maintain building setback lines along the*
16 *banks of any river, creek, stream, or other waterway, in any case*
17 *where the board determines that a setback line is necessary,*
18 *provided that this authority is not exclusive of similar authority*
19 *that may be exercised by any county or city and provided further*
20 *that any development shall comply with the greatest setback line*
21 *from a watercourse, for any of the following reasons:*

22 *(1) To prevent impediment of the natural flow of water.*

23 *(2) To protect life and property.*

24 *(3) To prevent damage from flooding, bank caving, or erosion.*

25 *(4) To prevent the pollution of waters.*

26 *(u) To import, control, distribute, store, spread, sink, treat,*
27 *purify, recapture, and salvage any water, including, but not limited*
28 *to, sewage or wastewater for the beneficial use or uses of the*
29 *agency or its inhabitants or the owners of rights to waters within*
30 *the territory of the agency. The agency may also acquire, construct,*
31 *and operate facilities for the collection, treatment, and disposal*
32 *of sewage, wastewater, and stormwater of the district and its*
33 *inhabitants and may contract with any public agency concerning*
34 *facilities and services.*

35 *6. (a) The agency may exercise the right of eminent domain,*
36 *either within or outside of the agency, to take any property*
37 *necessary to carry out any of the objects or purposes of this act.*
38 *The agency in exercising this power shall in addition to the damage*
39 *for the taking, injury, or destruction of property, also pay the cost*
40 *of removal or relocation of any structure, railways, mains, pipes,*

1 conduits, wires, cables, or poles, of any public utility that is
2 required to be moved to a new location. Nothing in this act
3 contained shall be deemed to authorize the agency, or any person
4 or persons to divert the waters of any river, creek, stream,
5 irrigation system, canal, or ditch, from its channel, to the detriment
6 of any person, or persons having any interest in the river, creek,
7 stream, irrigation system, canal, or ditch, or its waters, unless
8 compensation for the diversion is first provided in the manner
9 provided by law.

10 (b) The agency shall not exercise the right of eminent domain
11 to take any property, including water rights, appropriated to public
12 use by any existing city, county, or district. Nothing in this act
13 shall authorize the agency or any person to divert the waters of
14 any river, creek, stream, irrigation system, canal, or ditch, unless
15 compensation for the diversion is first provided in the manner
16 prescribed by law.

17 (c) Nothing in this act shall affect the plenary power of any
18 existing city, county, or municipal utility district to provide for a
19 water supply for the city, county, or municipal utility district, or
20 as affecting the absolute control of any properties of the city,
21 county, or municipal utility district necessary for the water supply.
22 Nothing in this act shall be construed as vesting any power of
23 control over the properties in the Alameda County Flood Control
24 and Water Conservation District, or over any officer of the district
25 or any person referred to in this act.

26 7. Except as otherwise provided in this act, an individual
27 serving on the board of directors of the Zone 7 Water Agency on
28 December 31, 2012, shall continue to serve on the board of
29 directors of the agency established by this act and shall hold office
30 until his or her successor qualifies and takes office.

31 8. (a) The first election for all seven board positions shall be
32 conducted at the June 2014, statewide primary election.
33 Notwithstanding subdivision (b), the four top vote getters at the
34 first election shall serve for terms of four years and the next three
35 top vote getters shall serve for terms of two years. The terms of
36 all seven directors elected pursuant to this subdivision shall
37 commence on July 1, 2014, at noon.

38 (b) The term of office for a director shall be four years. Except
39 as otherwise provided by this act, the term of office for each
40 director elected pursuant to subdivision (a) shall be four years

1 *beginning at noon on the first day of July following his or her*
2 *election and the board member shall hold office until his or her*
3 *successor qualifies and takes office.*

4 *(c) Elections shall be conducted in accordance with the Uniform*
5 *District Election Law (Part 4 (commencing with Section 10500)*
6 *of Division 10 of the Elections Code), except as provided in*
7 *paragraph (1), and shall be consolidated with the direct primary*
8 *election in each even-numbered year.*

9 *(1) The directors shall be elected at large and the time for the*
10 *nomination of candidates and issuance of notices in connection*
11 *with the nomination of candidates shall be at the times provided*
12 *by general law for the nomination of candidates at the direct*
13 *primary election.*

14 *(2) A candidate for the board of directors shall be a resident*
15 *and qualified elector of the agency. A director shall continue to*
16 *reside within the agency's territory during his or her term of office.*

17 *(d) The directors elected pursuant to this section are to exercise*
18 *their independent judgment on behalf of the interests of the entire*
19 *agency, including the residents, property owners, and the public*
20 *as a whole in furthering the purposes and intent of this act.*

21 *9. A vacancy in the office of any director shall be filled for the*
22 *unexpired term by appointment by a majority of the remaining*
23 *members of the board of directors.*

24 *10. Any elected director may be recalled by the voters pursuant*
25 *to Chapter 1 (commencing with Section 11000) of Division 11 of*
26 *the Elections Code.*

27 *11. (a) Any ordinances, resolutions, or board policies adopted*
28 *by the board of directors of Zone 7 of the Alameda County Flood*
29 *Control and Water Conservation District on or before December*
30 *31, 2012, shall remain in full force and effect and be binding on*
31 *the agency unless specifically repealed by the board of directors*
32 *of the agency.*

33 *(b) The board may adopt resolutions for the agency that shall*
34 *be adopted, certified, and recorded.*

35 *(c) (1) The board may adopt ordinances for the agency. All*
36 *ordinances shall be enacted only by rollcall vote entered into the*
37 *proceedings of the board. An ordinance shall be in full force and*
38 *effect immediately upon adoption, and shall be published once in*
39 *full in a newspaper of general circulation, printed, published, and*
40 *circulated in the agency within 10 days after adoption.*

1 (2) *It is an infraction for any person to violate any agency*
2 *ordinance adopted pursuant to this section from and after the*
3 *effective date of the ordinance. The violation shall be punishable*
4 *by a fine not exceeding five hundred dollars (\$500).*

5 (3) *Any violation or threatened violation may also be enjoined*
6 *by civil action.*

7 (d) *The board shall have power to make and enforce all needful*
8 *rules, regulations, standards, and procedures for the administration*
9 *and government of the agency, and to appoint and employ all*
10 *needful agents, superintendents, engineers, attorneys, and*
11 *employees to properly look after the performance of any work*
12 *provided for in this act and to operate and maintain those works,*
13 *and to perform all other acts necessary or proper to accomplish*
14 *the purposes of this act.*

15 (e) *The board may establish rules and regulations for the sale,*
16 *distribution, and use of water, which includes the power to restrict*
17 *the use of water during any emergency caused by drought,*
18 *emergency, or other threatened or existing water shortage and to*
19 *prohibit the wastage of agency water or the use of agency water*
20 *during those periods for any purpose other than household uses*
21 *or other restricted uses as may be determined to be necessary by*
22 *the agency and may prohibit use of water during those periods for*
23 *specific uses that the agency may from time to time find to be*
24 *nonessential.*

25 (f) *In addition to the officers and employees prescribed by the*
26 *act, the board may in its discretion appoint a president, a vice*
27 *president, a clerk, and any other officers and employees for the*
28 *board of directors or agency who, in its judgment, may be deemed*
29 *necessary, prescribe their duties, and fix their compensation. Those*
30 *officers and employees shall be employed, suspended, or their*
31 *employment terminated in accordance with an ordinance setting*
32 *forth rules, regulations, standards, and procedures for*
33 *appointment, suspension, and termination of employment.*

34 12. (a) *The agency shall have jurisdiction and power to employ*
35 *competent registered civil engineers and geologists to investigate*
36 *and carefully devise a plan or plans for projects, and to obtain*
37 *information in regard to projects, as may be deemed necessary or*
38 *useful for carrying out the purposes of this act.*

1 (b) The board may direct any engineer or geologist described
2 in subdivision (a) to make and file reports from time to time
3 including the following information:

4 (1) A general description of a project, together with general
5 plans, profiles, cross sections, and general specifications relating
6 to the project.

7 (2) A general description of the lands, rights-of-way, easements,
8 and property proposed to be taken, acquired, or injured in carrying
9 out the project.

10 (3) A map or maps that show the location of the project, and
11 lands, rights-of-way, easements, and property to be taken,
12 acquired, or injured in carrying out the project, and any other
13 information in regard to the project that may be deemed necessary
14 or useful.

15 (4) An estimate of the cost of the project, including a statement
16 of the portion, if any, of cost advanced by the agency for the project
17 for which the agency proposes to reimburse itself from the proceeds
18 of sale of any bonds to be issued to pay for the project and an
19 estimate of the cost of lands, rights-of-way, easements, and
20 property proposed to be taken, acquired, or injured in carrying
21 out the project, and also of all incidental expenses likely to be
22 incurred in connection with the project, including legal, clerical,
23 engineering, superintendence, inspection, printing, and advertising,
24 and, if deemed advisable, a sum sufficient to pay interest on any
25 bonds proposed to be issued during all or any part of the period
26 of construction of the project and for no longer than 12 months
27 thereafter, and the total amount of bonds, if any, necessary to be
28 issued to pay for the project.

29 (c) Any engineer or geologist described in subdivision (a) shall
30 from time to time and as directed by the board file with the board
31 supplementary, amendatory, and additional reports and
32 recommendations, as necessity and convenience may require.

33 13. (a) Any abandoned or unused water well endangering the
34 public health and safety by creating a water contamination hazard
35 is a public nuisance. The board shall, by ordinance, establish
36 standards for what constitutes a water contamination hazard and
37 procedures for the declaration and abatement of public nuisance
38 consistent with this section.

39 (b) Whenever the agency determines that a public nuisance, as
40 defined, exists, it shall, by certified mail, notify the current record

1 owner of the property to abate the public nuisance and that it is
2 the intention of the agency to record a notice of violation of the
3 ordinance. The notice to the owner shall describe the violation
4 and specify a time, date, and place for a hearing, at which the
5 owner may present evidence to the board that a public nuisance
6 does not actually exist and that the notice should not be recorded.
7 The notice to the owner shall state that, unless the public nuisance
8 is abated within the time specified by the board following the
9 hearing, the agency may abate the public nuisance and the costs
10 of the abatement will be assessed against the property. The meeting
11 shall take place no sooner than 30 days and no later than 60 days
12 from date of the certified mailing. If, within 15 days of receipt of
13 the notice, the owner of the real property fails to inform the agency
14 of his or her objection to recording the notice of violation, the
15 board shall record the notice of violation with the county recorder.
16 If, after the owner has presented evidence, it is determined that
17 there has been no violation, the agency shall mail a clearance
18 letter to the current owner of record. If, however, after the owner
19 has presented evidence, the board determines that a violation has
20 in fact occurred, the board shall record the notice of violation with
21 the county recorder. The notice of violation, when recorded, shall
22 be deemed to be constructive notice of the violation to all
23 successors in interest in the property. The county recorder shall
24 index the names of the fee owners in the general index.

25 (c) If the board determines, at the conclusion of the hearing,
26 that a public nuisance actually exists, the board shall order the
27 property owner to abate the public nuisance within a specified
28 time.

29 (d) If the public nuisance is not abated within the time specified
30 in the order of the board following a hearing, the agency may
31 abate the public nuisance. Any entry upon private property by the
32 agency for this purpose shall be preceded by written notice to the
33 owner by certified mail stating the date and place of entry, the
34 purpose of entry, and the number of persons entering. If the mailed
35 notice is returned undelivered, the agency may post a copy of the
36 notice at the proposed entry point five days prior to entry.

37 (e) Any costs incurred by the agency in abating a public
38 nuisance pursuant to this section are a lien upon the property upon
39 which the public nuisance existed when notice of the lien is filed
40 and recorded.

1 (f) Notice of the lien, particularly identifying the property on
2 which the nuisance was abated and the amount of the lien, and
3 naming the owner of record of the property, shall be recorded by
4 the agency in the office of the Alameda or Contra Costa County
5 Recorder, as appropriate, within one year after the first item of
6 expenditures by the agency or within 90 days after the completion
7 of the work, whichever first occurs. Upon recordation of the notice
8 of lien, the lien shall have the same force, effect, and priority as
9 a judgment lien, except that it shall attach only to the property
10 described in the notice, and shall continue for 10 years from the
11 time of recording of the notice unless sooner released or otherwise
12 discharged.

13 14. The board shall determine which projects or works of
14 improvement shall be carried out and shall determine, as to each
15 project or work of improvement, that it is for the benefit of the
16 agency in whole or in part.

17 15. The agency may designate the county treasury as its
18 treasury, for all purposes or for such purposes as may be identified
19 by the board of directors by resolution.

20 16. The board of directors may create by resolution any
21 advisory boards, committees, or commissions for the agency as in
22 its judgment are required to serve the best interests of the agency.
23 The board may grant to any advisory board, committee, or
24 commission it creates duties as are consistent with the provisions
25 of this act. The number of members of any board, committee, or
26 commission created by the board shall be not less than three and
27 shall be specified in the resolution. Members of any board,
28 committee, or commission created by the board shall serve at the
29 pleasure of the board.

30 17. Notwithstanding any other law, the agency may continue
31 to impose any special taxes based upon assessed value or any
32 other special taxes, assessments, or charges imposed by or on
33 behalf of the former Zone 7 of the Alameda County Flood Control
34 and Water Conservation District.

35 18. Subject to Section 4 of Article XIII A and Article XIII C of
36 the California Constitution, the agency may impose new special
37 taxes in accordance with Article 3.5 (commencing with Section
38 50075) of Chapter 1 of Part 1 of Division 1 of Title 5 of the
39 Government Code at minimum uniform rates according to land
40 use category and size.

1 19. *The agency may levy assessments upon any property in the*
2 *agency, in accordance with the Improvement Act of 1911, the*
3 *Improvement Bond Act of 1915, the Municipal Improvement Act*
4 *of 1913, or the Refunding Assessment Bond Act of 1935.*

5 20. *(a) Any taxes or assessments shall be levied and collected*
6 *together with, and not separately from, taxes for county purposes*
7 *and the revenues derived together with any penalties paid by the*
8 *county to the agency.*

9 **(b)** *Provisions of law prescribing the time and manner of*
10 *levying, assessing, equalizing, and collecting county property*
11 *taxes, including the sale of property for delinquency, and the*
12 *redemption from sale, and the duties of county officers in this*
13 *regard, are, so far as they are applicable and not in conflict with*
14 *the specific provisions of this act, hereby adopted and made a part*
15 *of this act.*

16 21. *(a) The board of directors may, by resolution adopted by*
17 *a vote of a majority of the total vote of the board, require and fix*
18 *the amount of, and the maturity, interest rate paid, and any other*
19 *provisions of, all official bonds necessary for the agency to carry*
20 *out the objects and purposes of the agency to provide a reliable*
21 *supply of treated drinking water, agricultural water, and regional*
22 *flood protection to the public. The resolution shall contain*
23 *sufficient detail to inform its beneficiaries, including, but not*
24 *limited to, the purpose or purposes for the indebtedness, the amount*
25 *of principal, and maximum amount of interest to be paid.*

26 **(b)** *After a resolution has been filed pursuant to subdivision (a),*
27 *the board shall order by ordinance the submission of the*
28 *proposition of incurring bonded indebtedness to the qualified*
29 *voters within the territory served by the agency at an election*
30 *authorized by law at which the qualified electors of the agency*
31 *are entitled to vote. The ordinance shall submit to the qualified*
32 *voters of the agency the proposition of incurring a bonded debt*
33 *detailed in the resolution. In this regard, a brief, general*
34 *description of the amount and purposes for which the indebtedness*
35 *is proposed to be incurred with the certified copy of the resolution*
36 *incorporated by reference shall suffice. The ordinance may state*
37 *that no bonds authorized at the election will be sold until taxes or*
38 *assessments have been levied on the area benefited by the*
39 *improvement which will provide for payments to the agency*
40 *sufficient to pay the principal and interest on any bonds issued.*

1 (c) The board shall cause a map or maps to be prepared
2 covering a general description of the project. A map shall show
3 the location of the proposed project and the board shall cause the
4 map to be posted in a prominent place in the county courthouse
5 for the County of Alameda for public inspection and on the
6 agency's Internet Web site for at least 30 days before the date
7 fixed for the election.

8 (d) The ordinance calling for the election shall, prior to the date
9 set for the election, be published pursuant to Section 6062 of the
10 Government Code in a newspaper of general circulation. The last
11 publication of the ordinance must be at least 14 days before the
12 election, and if there is no newspaper of general circulation, then
13 the ordinance shall be posted in five public places designated by
14 the board, for at least 30 days before the date fixed for the election.
15 No other notice of the election need be given nor need polling
16 place cards be issued.

17 (e) Any defect or irregularity in the proceedings prior to the
18 calling of the election described in this section shall not affect the
19 validity of the bonds authorized by the election. If at the election
20 two-thirds of the votes cast are in favor of incurring the bonded
21 indebtedness, then bonds for the amount stated in the proceedings
22 shall be issued and sold as provided in this act.

23 22. The board may issue and sell the bonds authorized pursuant
24 to the board's resolution at not less than par value, and the
25 proceeds of the sale of the bonds shall be placed in the treasury
26 of the agency.

27 23. Notwithstanding any other law, taxes and assessments may
28 be levied by the board upon any property in the agency for the
29 purpose of making payments to the state under the terms of the
30 agency's state water contract for the construction, maintenance,
31 repair, operation, and all other costs of the zone's prorated share
32 of state water project facilities.

33 24. (a) On or before December 15 of each year, the board of
34 directors shall meet, at the time and place designated by published
35 notice, at which meeting any member of the general public may
36 appear and be heard regarding any item in the proposed budget
37 or for the inclusion of additional items.

38 (b) At the same time and place designated in the public notice,
39 the board shall review its financial reserves.

1 (c) After the conclusion of the meeting, and not later than
2 December 31 of each year, and after making any revisions of,
3 deductions from, or increases or additions to, the proposed budget
4 that the board determines advisable during or after the meeting,
5 the board, by resolution, shall adopt the budget as finally
6 determined.

7 25. The bonds of the agency issued pursuant to this act shall
8 be legal investments for all trust funds, for the funds of all
9 insurance companies, banks, both commercial and savings, and
10 trust companies, for the state school funds, and whenever any
11 money or funds may by law now or hereafter enacted be invested
12 in bonds of cities, cities and counties, counties, school districts,
13 or municipalities in the state, the money or funds may be invested
14 in the bonds of the agency issued in accordance with the provisions
15 of this act, and whenever bonds of cities, cities and counties,
16 counties, school districts, or municipalities, may by any law now
17 or hereafter enacted be used as security for the performance of
18 any act, the bonds of the agency may be so used.

19 26. All bonds issued by the agency under the provisions of this
20 act shall be free and exempt from taxation within the state pursuant
21 to subdivision (c) of Section 3 of Article XIII of the California
22 Constitution.

23 27. Any improvement for which bonds are voted under the
24 provisions of this act shall be made in conformity with the report,
25 plans, specifications, and map adopted, unless the doing of any of
26 the work described in the report shall be prohibited by law, or be
27 rendered contrary to the best interests of the agency by some
28 change of conditions in relation thereto, in which event the board
29 may order necessary changes made in the proposed work or
30 improvements and may cause any plans and specifications to be
31 made and adopted.

32 28. Whenever bonds have been authorized by the agency and
33 the proceeds of the sale of the bonds have been expended as
34 authorized, the board may by resolution determine that additional
35 bonds should be issued for carrying out the work of flood control,
36 water supply, or for any of the purposes of this act, and the board
37 may submit to the qualified voters, the question of issuing
38 additional bonds in the same manner and with like procedure. All
39 provisions of this act for the issuing and sale of bonds and for the

1 *expenditure of the proceeds of bonds shall be deemed to apply to*
2 *an issue of additional bonds.*

3 29. *In addition to proceedings authorized under this act,*
4 *whenever the board determines that it is in the public interest, it*
5 *may borrow money to provide funds to pay the cost of any work*
6 *or improvement in the agency by the issuance of revenue bonds*
7 *pursuant to the Revenue Bond Law of 1941 (Chapter 6*
8 *(commencing with Section 54300) of Part 1 of Division 2 of Title*
9 *5 of the Government Code), provided that, in addition to the*
10 *purposes established in the Revenue Bond Law of 1941, the agency*
11 *may also issue bonds for the purpose of financing the construction,*
12 *reconstruction, replacement, acquisition, or improvement of any*
13 *facility or facilities necessary or convenient for the storage,*
14 *treatment, including reclamation, transmission, or distribution of*
15 *water for beneficial use within the agency, and for the purpose of*
16 *generation or transmission of electric power. If the work or*
17 *improvement is determined by the board to be for an area*
18 *comprising less than the whole agency, the election at which the*
19 *proposition to issue revenue bonds is submitted shall be held only*
20 *in that area. Proceeds from the sale of any revenue bonds shall*
21 *be expended only in the area in which the proposition to issue*
22 *revenue bonds is approved. In the case of any conflict between the*
23 *provisions of this act and the provisions of the Revenue Bond Law*
24 *of 1941 regarding the issuance of revenue bonds, the provisions*
25 *of the Revenue Bond Law of 1941 shall control.*

26 30. *The repeal or amendment of this act or a change in*
27 *boundaries of the agency shall not in any way affect or release*
28 *any of the property in the agency from the obligations of any*
29 *outstanding bonds or indebtedness until all outstanding bonds or*
30 *indebtedness have been fully paid and discharged.*

31 31. *There is hereby granted to the agency the right-of-way for*
32 *the location, construction, and maintenance of water collection,*
33 *distribution or flood control channels, ditches, waterways,*
34 *conduits, canals, storm dikes, embankments, and protective works*
35 *in, over, and across public land of the state, not otherwise disposed*
36 *of or in use, not in any case exceeding in length or width that is*
37 *necessary for the construction of the works and adjuncts or for*
38 *the protection thereof. Whenever any selection of a right-of-way*
39 *for the works or adjuncts is made by the agency the board must*
40 *transmit to the State Lands Commission, the Controller, and the*

1 county recorder in which the selected lands are situated, a plat of
2 the lands selected, giving the extent and the uses for which the
3 same is claimed or desired, duly verified to be correct. If the State
4 Lands Commission approves the selections made it shall endorse
5 its approval upon the plat and issue to the agency a permit to use
6 the right-of-way and lands.

7 32. Claims for money or damages against the agency are
8 governed by Part 3 (commencing with Section 900) of Division 3
9 of, and Part 4 (commencing with Section 940) of Division 3.6 of,
10 Title 1 of the Government Code, except as provided. Claims not
11 governed thereby or by other statutes or by ordinances or
12 regulations authorized by law and expressly applicable to those
13 claims shall be prepared and presented to the governing body and
14 all claims shall be audited and paid, in the same manner and with
15 the same effect as are similar claims against the county.

16 33. (a) The legal title to all property, except shares of stock in
17 mutual water companies or corporations, as provided in Section
18 17 of Article XVI of the California Constitution, acquired under
19 this act shall immediately and by operation of law vest in the
20 agency, and shall be held by the agency, in trust for, and is hereby
21 dedicated and set apart to, the uses and purposes set forth in this
22 act. The board may hold, use, acquire, manage, occupy, and
23 possess the property, as provided, and the board may determine,
24 by resolution duly entered in its minutes that any real property,
25 or interest therein, held by the agency is no longer necessary to
26 be retained for those uses and purposes, and may sell, lease, or
27 otherwise dispose of the property pursuant to this section.

28 (b) Real property that, in the unanimous judgment of the board,
29 has no access to a public road, or that consists of an easement for
30 ingress and egress to property that, by the terms of the easement,
31 will terminate when ingress and egress is supplied to the property
32 by a public road, may be sold, leased, or conveyed by the board
33 on terms prescribed by it.

34 (c) The board may reconvey real property to the former owner
35 by whom the property was conveyed, or from whom the property
36 was condemned by the agency, or the owner's successor in interest
37 for fair market value. Fair market value shall be determined by a
38 qualified real estate appraiser. However, the agency may reconvey
39 real property to the former owner or his or her successor in interest
40 for less than fair market value if the agency finds that a public

1 *purpose exists justifying that reconveyance for less than fair market*
2 *value.*

3 *(d) The board may by a majority vote exchange real property*
4 *of equal value with any person, firm, or corporation for the purpose*
5 *of removing defects in the title to real property owned by the*
6 *agency or where the real property to be exchanged is not required*
7 *for agency use and the property to be acquired is required for*
8 *agency use.*

9 *(e) In all other cases, the board shall be governed in the sale,*
10 *lease, or other disposition of real property by the requirements of*
11 *law governing that action by counties, provided that notice of the*
12 *board's intended action shall be as prescribed in Section 25363*
13 *of the Government Code.*

14 *(f) The board may by resolution prescribe a procedure for the*
15 *leasing of real property owned by the agency alternative to the*
16 *requirements of law governing counties.*

17 *(g) The board may, by a majority vote, sell, lease, or otherwise*
18 *transfer to the state, the County of Alameda or the County of*
19 *Contra Costa, or to any city, school district, or other special*
20 *district within the agency, or exchange with the public entities,*
21 *any real or personal property or interest belonging to the agency*
22 *upon the terms and conditions that are agreed upon.*

23 *(h) The board shall establish regulations for the trade in, survey,*
24 *sale, or other disposition of personal property held by the agency*
25 *and no longer necessary to be retained for the uses and purposes*
26 *thereof, provided, however, that any sale of personal property*
27 *having a sale value in excess of that value stated from time to time*
28 *by Article 2 (commencing with Section 1041.6) of Subchapter 3*
29 *of Chapter 2 of Division 2 of Title 2 of the California Code of*
30 *Regulations as a definition of "fixed assets," or any lower value*
31 *as may be determined by the board, shall be made upon public bid*
32 *preceded by notice of the board's intended action given as*
33 *prescribed in Section 25363 of the Government Code.*

34 *34. The agency formed under this act in order to determine the*
35 *legality of its existence, or any contract entered into by the agency,*
36 *may institute a proceeding therefor in the superior court of this*
37 *state, in and for the County of Alameda, by filing with the clerk of*
38 *the county superior court a complaint setting forth the name of*
39 *the agency, its exterior boundaries, the date of its organization*
40 *and a prayer that it be adjudged a legal public agency formed*

1 under the provisions of this act, or setting forth the name of the
2 agency, the parties to and nature of the contract, a copy of the
3 contract, and a prayer that it be adjudged a legal contract. The
4 summons in that proceeding shall be served by publishing a copy
5 of the summons once a week for four weeks in a newspaper of
6 general circulation published in the county. The state shall be a
7 defendant in that action, and consent therefor is given. Service of
8 summons shall be made on the Attorney General. The Attorney
9 General shall appear in the action on behalf of the state in the
10 same manner as with appearances in civil actions. Within 30 days
11 after proof of publication of the summons being filed in the
12 proceeding, the state, any property owner or resident in the agency,
13 or any person interested may appear as a defendant in the action
14 by serving and filing an answer to the complaint, in which case
15 the answer shall set forth the facts relied upon to show the
16 invalidity of the agency, or the contract, and shall be served upon
17 the attorney for the agency before being filed in such a proceeding.
18 The proceeding is hereby declared to be a proceeding in rem and
19 the final judgment rendered therein shall be conclusive against
20 all persons whomsoever, including the agency and the state. To
21 the extent not inconsistent with the foregoing, the court shall use
22 the procedures set forth in Chapter 9 (commencing with Section
23 860) of Title 10 of Part 2 of the Code of Civil Procedure.

24 35. (a) Each person elected or appointed to the office of
25 director shall, within 30 days after receiving his or her certificate
26 of election, or notice of appointment, qualify by taking and
27 subscribing to an official oath. The director shall file his or her
28 official oath with the clerk of the board.

29 (b) The board may authorize each director to receive
30 compensation not exceeding one hundred dollars (\$100) per day
31 for each day's attendance at meetings of the board, or committees
32 thereof, or for each day's service rendered as a director by request
33 of the board.

34 (c) Employees appointed by the board under this act, when
35 required by the board of the agency, shall execute bonds
36 conditioned, executed, approved, filed, and recorded in the general
37 manner and form provided by law for officers, other than
38 supervisors, of the county, before entering upon the duties of their
39 respective employments.

1 36. *This act, and every part thereof, shall be liberally construed*
2 *to promote the objects thereof, and to carry out its intents and*
3 *purposes.*

4 37. *The provisions and procedures of law available under this*
5 *act are not subject to the Special Assessment Investigation,*
6 *Limitation and Majority Protest Act of 1931 (Part 1 (commencing*
7 *with Section 2800) of Division 4 of the Streets and Highways*
8 *Code).*

9 38. *The provisions of this act are severable. If any provision*
10 *of this act or its application is held invalid, that invalidity shall*
11 *not affect other provisions or applications that can be given effect*
12 *without the invalid provision or application.*

13 SEC. 2. *Section 2 of the Alameda County Flood Control and*
14 *Water Conservation District Act (Chapter 1275 of the Statutes of*
15 *1949) is amended to read:*

16 Sec. 2. A flood control district is hereby created to be called
17 the Alameda County Flood Control and Water Conservation
18 District. ~~Said~~ The district shall consist of all the territory of the
19 County of Alameda lying within the exterior boundaries of ~~said~~
20 the county, except for the territory of the Zone 7 Water Agency,
21 as established by the Zone 7 Water Agency Act, and as may be
22 modified by the Local Agency Formation Commission of the County
23 of Alameda. As used in this act “district” means the Alameda
24 County Flood Control and Water Conservation District.

25 SEC. 3. *Section 36 of the Alameda County Flood Control and*
26 *Water Conservation District Act (Chapter 1275 of the Statutes of*
27 *1949) is repealed.*

28 Sec. 36. ~~Notwithstanding any other provisions of this act, the~~
29 ~~following shall apply with respect to the establishment,~~
30 ~~government, operation, and financing of any zone lying, in whole~~
31 ~~or in part, in Pleasanton or Murray Townships:~~

32 ~~1. The board of supervisors shall have no authority to proceed~~
33 ~~with the establishment of any zone lying, in whole or in part, in~~
34 ~~Pleasanton or Murray Townships without first obtaining the~~
35 ~~approval thereof by a vote of a majority of the qualified electors~~
36 ~~voting at a regular or special election on the proposition. The~~
37 ~~election shall be held, as nearly as practicable, in accordance with~~
38 ~~the general election laws of the state, and the cost thereof shall be~~
39 ~~reimbursed to the district if a zone is established.~~

1 ~~2. Any zone established by the board of supervisors under the~~
2 ~~provisions of this act lying, in whole or in part, in Pleasanton or~~
3 ~~Murray Townships, shall be governed and controlled by a board~~
4 ~~of seven directors elected by the qualified electors residing within~~
5 ~~the boundaries of the zone.~~

6 ~~The term of directors shall be four years. Elections for directors~~
7 ~~shall be consolidated with the direct primary election in each~~
8 ~~even-numbered year. Terms of office shall commence July 1st of~~
9 ~~the year in which elected.~~

10 ~~Vacancies in the membership of a board shall be filled for the~~
11 ~~unexpired term by appointment by a majority of the remaining~~
12 ~~members of the board.~~

13 ~~The directors shall be elected at large and, except as provided~~
14 ~~herein, the election of the directors shall be conducted in~~
15 ~~substantially the same manner as provided by the Uniform District~~
16 ~~Election Law (Part 4 (commencing with Section 10500) of Division~~
17 ~~10 of the Elections Code), except that the time for the nomination~~
18 ~~of candidates and issuance of notices in connection therewith shall~~
19 ~~be at the times provided by general law for the nomination of~~
20 ~~candidates at the direct primary election.~~

21 ~~The directors shall be residents of the proposed zone and~~
22 ~~qualified electors and owners of real property therein.~~

23 ~~The board of directors may authorize each director to receive~~
24 ~~compensation not exceeding fifty dollars (\$50) for each meeting~~
25 ~~of the board attended by the director, not exceeding four meetings~~
26 ~~in any calendar month, and his or her actual and necessary expenses~~
27 ~~incurred in performance of official duties under this act, payable~~
28 ~~from the funds of the zone.~~

29 ~~3. The board of directors of any zone in which directors have~~
30 ~~been elected as provided in this act shall have the power to make~~
31 ~~and enforce all needful rules and regulations for the administration~~
32 ~~and government of the zone. The zone board may appoint a~~
33 ~~chairperson, a secretary, and other officers, agents and employees~~
34 ~~for the zone board, or zone that, in its judgment, may be deemed~~
35 ~~necessary, prescribe their duties, and fix their compensation. The~~
36 ~~officers, agents, and employees shall be appointed under and~~
37 ~~pursuant to the civil service rules and regulations of the County~~
38 ~~of Alameda. However, the chairperson and secretary of the board,~~
39 ~~and experts, consultants, or technical or other advisers for particular~~
40 ~~purposes and laborers, employed for a temporary period, may be~~

1 appointed by the zone board without reference to any classified
2 civil service list.

3 ~~4. Notwithstanding any other provision of this act, the zone~~
4 ~~board elected pursuant to this section shall govern and control, in~~
5 ~~accordance with this act and without further action by the district~~
6 ~~board, all matters that relate only to the zone established pursuant~~
7 ~~to this section. All matters that relate both to a zone established~~
8 ~~pursuant to this section and to another portion of the district shall~~
9 ~~be approved by both the zone board and the district board.~~

10 ~~5. In any zone in which a board of directors has been elected,~~
11 ~~the tax or assessment for any purpose or purposes, other than~~
12 ~~administrative costs and expenses of the district, shall be based~~
13 ~~upon a budget or budgets prepared by, or under the direction of,~~
14 ~~the zone board of directors.~~

15 ~~The taxes and assessments (other than the tax to pay the general~~
16 ~~administrative costs and expenses of the district and other than~~
17 ~~any taxes, assessments, or fees levied for improvement districts~~
18 ~~or pursuant to Sections 12.1, 12.2, and 16 of this act to pay bonds~~
19 ~~and interest thereon) levied by the board pursuant to Section 12~~
20 ~~of this act upon any property in any zone lying, in whole or in part,~~
21 ~~in Pleasanton or Murray Townships shall not exceed in the~~
22 ~~aggregate the sum of fifteen cents (\$0.15) on each one hundred~~
23 ~~dollars (\$100) of assessed valuation unless a larger tax has been~~
24 ~~approved by a vote of not less than a majority of the qualified~~
25 ~~electors voting upon the proposition to increase the tax.~~

26 ~~Notwithstanding any other provisions of this section, taxes and~~
27 ~~assessments may be levied by the board after approval by the zone~~
28 ~~board, pursuant to Sections 12 or 12.1 of this act, upon any property~~
29 ~~in the zone for the purpose of making payments to the State of~~
30 ~~California for the construction, maintenance, repair, and operation~~
31 ~~and all other costs of the zone's prorated share of state water~~
32 ~~facilities.~~

33 ~~6. The amount of bonded indebtedness outstanding at any time~~
34 ~~shall not exceed 5 percent of the assessed valuation of all taxable~~
35 ~~property in any zone lying, in whole or in part, in Pleasanton or~~
36 ~~Murray Townships.~~

37 *SEC. 4. No reimbursement is required by this act pursuant to*
38 *Section 6 of Article XIII B of the California Constitution because*
39 *a local agency or school district has the authority to levy service*
40 *charges, fees, or assessments sufficient to pay for the program or*

1 *level of service mandated by this act or because costs that may be*
2 *incurred by a local agency or school district will be incurred*
3 *because this act creates a new crime or infraction, eliminates a*
4 *crime or infraction, or changes the penalty for a crime or*
5 *infraction, within the meaning of Section 17556 of the Government*
6 *Code, or changes the definition of a crime within the meaning of*
7 *Section 6 of Article XIII B of the California Constitution.*

8 ~~SECTION 1. It is the intent of the Legislature to enact~~
9 ~~legislation that would create a flood control and water district~~
10 ~~called the Zone 7 Water Agency, formed of the territory of Zone~~
11 ~~7 of the Alameda County Flood Control and Water Conservation~~
12 ~~District, including the City of Pleasanton and the former Murray~~
13 ~~Township and the Dougherty Valley in the southern part of the~~
14 ~~City of San Ramon.~~